

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BERNICE MALCOLM,

Plaintiff,

-vs-

HONEOYE FALLS-LIMA CENTRAL
SCHOOL DISTRICT,

Defendant.

MOTION SCHEDULING ORDER

08-CV-6300

On November 10, 2009, the Court granted defendant's motion to dismiss (Dkt. #29). Plaintiff thereafter filed a notice of appeal (Dkt. #31) to the United States Second Circuit Court of Appeals. By summary order filed on November 8, 2010, the Court of Appeals remanded the case back to the district court for further proceedings on the claim relating to the discriminatory discontinuation of plaintiff's COBRA benefits.

The Court directs that plaintiff submit materials in opposition to defendant's motion to dismiss (Dkt. #3) **as it relates to the remanded claim only** no later than January 7, 2011. Defendant's response must be filed no later than January 21, 2011.

Plaintiff is advised that the Court will not consider any materials or other submissions unrelated to the limited issue of the discriminatory discontinuation of her COBRA benefits.

IT IS SO ORDERED.



DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE

Dated: December 8, 2010
Rochester, New York